

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SIERRA GRANADOS,

Plaintiff,

v.

CITY OF GILROY POLICE
 DEPARTMENT,

Defendant.

Case No. 22-cv-01116-BLF

**ORDER GRANTING PETITION FOR
 ORDER APPROVING MINOR'S
 COMPROMISE**

[Re: ECF No. 16]

Before the Court is Plaintiff's Petition for Order Approving Minor's Compromise. *See* Pet., ECF No. 16. Defendant does not oppose Plaintiff's petition. *See* ECF No. 17. The petition is GRANTED for the reasons discussed herein.

Plaintiff Sierra Granados, individually and as Guardian ad Litem for minor E.C., filed this action against the City of Gilroy Police Department. *See* Compl., ECF No. 1. Plaintiffs allege federal civil rights and state law claims arising from a dog bite inflicted by a police canine. *Id.*, Ex. A ¶ 1. Defendants removed the action to federal court on February 23, 2022. *See id* at 2.

"District courts have a special duty, derived from Federal Rule of Civil Procedure 17(c), to safeguard the interests of litigants who are minors." *Robidoux v. Rosengren*, 638 F.3d 1177, 1181 (9th Cir. 2011). "In the context of proposed settlements in suits involving minor plaintiffs, this special duty requires a district court to conduct its own inquiry to determine whether the settlement serves the best interests of the minor." *Id.* (quotation marks and citation omitted). The district court's inquiry is limited to considering "whether the net recovery of each minor plaintiff is fair and reasonable, without regard to the amount received by adult co-plaintiffs and what they have agreed to pay plaintiffs' counsel." *Id.* at 1182. Upon concluding that a minor's net recovery is fair and reasonable, district courts within the Ninth Circuit commonly order that such funds be

deposited into a blocked account for the minor's benefit. *See, e.g. Lily v. Cooper*, No. 19-cv-745-DMS (AGS), 2020 WL 5742933, at *4 (S.D. Cal. Sept. 25, 2020) ("Counsel shall, within 45 days after approval of the minors' compromise, file with the Clerk of Court proof of deposit of funds payable for the minors' benefit into blocked accounts as required by this Order."); *Estate of Saucedo v. City of N. Las Vegas*, No. 2:11-cv-02116-GMN-NJK, 2020 WL 2105017, at *1 (D. Nev. Apr. 30, 2020) (approving minor's compromise and ordering that funds "shall be deposited into a blocked trust account with proof of such deposit provided to the Court within 60 days of this Order"); *S.V. by & through Valencia v. Delano Union Elementary Sch. Dist.*, No. 1:17-cv-00780-LJO-JLT, 2019 WL 2635949, at *3 (E.D. Cal. June 27, 2019), *report and recommendation adopted*, No. 1:17-cv-00780-LJO-JLT, 2019 WL 3253969 (E.D. Cal. July 19, 2019) ("The money will be deposited in a blocked account for the child's benefit.").

Here, Defendants have agreed to settle with Plaintiffs all claims for \$175,000.00. Pet. ¶ 5. Plaintiffs' petition proposes that the \$175,000.00 be distributed as follows:

1. \$90,589.95 to minor E.C. *See* Pet., Ex. 2.
2. \$28,558.35 to Plaintiff and Petitioner Sarah Granados. *See id.*
3. \$34,410.05 to counsel for minor E.C. in attorney's fees and costs. *See id.*
4. \$21,411.65 to counsel for Sarah Granados in attorney's fees and costs. *See id.*

The Court has determined that the proposed distribution is "fair and reasonable" to the Plaintiffs as required under *Robidoux*, 638 F.3d at 1182.

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ORDER

(1) The Petition for Order Approving Minor's Compromise (ECF No. 16) is GRANTED. The Court APPROVES the settlement of the claims of minor E.C. against all Defendants, as compromised pursuant to the terms of the settlement reached among the parties, and as further described in the petition and this order.

(2) The Court APPROVES the distribution of attorneys' fees and costs to Plaintiffs' counsel as set forth in the petition (ECF No. 16).

(3) \$90,589.95 SHALL be invested in a single-premium deferred annuity, and upon E.C. reaching the age of majority on March 27, 2037, monthly payments to him shall be made in the amount of \$1500 for seven years, and thereafter a single lump sum payment of the remainder of the annuity shall be made as set forth in the Settlement Agreement.

IT IS SO ORDERED.

Dated: December 7, 2022



BETH LABSON FREEMAN
United States District Judge